

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ROBERT J. McLAUGHLIN,) Civil Action No.: 4:09-cv-0728-RBH-TER
)
Plaintiff,)
)
-vs-)
) **REPORT AND RECOMMENDATION**
)
SUNCRUZ CASINOS,)
)
Defendant.)
)

This case was stayed on April 9, 2010, pursuant to 11 U.S.C. § 362 pending the resolution of Defendant's bankruptcy action. On March 13, 2012, Counsel for Defendant filed a Motion to Withdraw as Counsel (Document # 85). A hearing was scheduled and the court directed counsel for Defendant to notify Defendant of the hearing and that a representative for Defendant must be present at the hearing. See Notice of Hearing (Document # 86). No representative for Defendant appeared at the hearing. At the hearing, counsel for Defendant represented that he had not been in contact with his client for some time despite his efforts to do so and, upon his review of the docket for the bankruptcy action, the bankruptcy case was closed. The undersigned granted the Motion to Withdraw as counsel and directed counsel to notify Defendant in writing at its last known address of the ruling and that it would be held in default if it did not obtain new counsel within thirty days because a corporation may not proceed in an action pro se. See Letter (Document # 93); see also, e.g., First Hartford Corporation Pension Plan and Trust v. U.S., 194 F.3d 1279, 1290 (Fed. Cir. 1999) (pro se actions by non-attorneys on behalf of corporations "fail for lack of standing"); Pridgen v. Andresen, 113 F.3d 391, 392-93 (2nd Cir. 1997) (pro se litigant may not represent corporation, estate, partnership, or his or her minor child).

More than thirty days have passed since the hearing and no Notice of Appearance has been

filed on behalf of Defendant. Thus, it is recommended that its Answer be stricken and that the Clerk of Court make an Entry of Default in the record as to SunCruz Casinos pursuant to Rule 55(a), Fed.R.Civ.P.

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge

May 9, 2012
Florence, South Carolina